

Application No. 09/324,253  
Filed: June 2, 1999  
TC Art Unit: 2638  
Confirmation No.: 1283

REMARKS

Claims 1, 15, 16, 28, 31 and 34 have been rejected under 35 U.S.C. §102(b) as being anticipated by Papen, Johnson or Patel. Claims 1, 15, 16, 28, 31 and 34 have also been rejected under 35 U.S.C. §102(e) as being anticipated by Brock.

With respect to Papen (U.S. 5,379,310), this reference does not disclose or suggest a filter. The present claims recite a disperser that disperses the input signal that is modulated by a modulator. Papen references the use of modulators 24a-24n, however, they are used to adjust lasers 12a-12n. The modulators of Papen do not modulate beams after the grating 16. This is contrary to the presently claimed structure which modulates the optically dispersed signal.

Johnson (U.S. 5,493,426) fails to disclose a dispersing element or a combining element. Johnson relates to a liquid crystal light modulator. Johnson fails to disclose or suggest the use of such a modulator with a disperser and a combiner to provide the claimed structure or method.

Patel (U.S. 5,414,540) and Brock (U.S. 5,870,216) relate to an optical switch, not an optical filter. Applicants have incorporated limitations of Claim 3 into independent claims 1, 15, 15, 28, 31 and 33 thereby obviating the rejection thereof. Claim

Application No. 09/324,253  
Filed: June 2, 1999  
TC Art Unit: 2638  
Confirmation No.: 1283

34 incorporates the limitation of Claim 4 relating to linearity.  
Reconsideration of the claims is respectfully requested.

The Examiner is encouraged to telephone the undersigned attorney to discuss any matter that would expedite allowance of the present application.

Respectfully submitted,

JERRY C. CHEN

By:   
Thomas O. Hoover  
Registration No. 32,470  
Attorney for Applicant(s)

WEINGARTEN, SCHURGIN,  
GAGNEBIN & LEBOVICI LLP  
Ten Post Office Square  
Boston, MA 02109

Telephone: (617) 542-2290  
Telecopier: (617) 451-0313

TOH/raw  
334606.1

-11-

WEINGARTEN, SCHURGIN,  
GAGNEBIN & LEBOVICI LLP  
TEL. (617) 542-2290  
FAX. (617) 451-0313